

REMARKS

Claims 22, 24-27, 29-31, and 33-37 are pending in this application.

Claims 22, 25, 27, 30, 31, and 34 are amended. Support for these amendments is found, for example, on page 9, lines 24-30, on page 10, lines 10-14, and in Figure 4C. No new matter has been added. Claims 25, 30, and 34 are amended to bring their language into conformity with the language of the claims on which they depend.

Claims 35, 36, and 37 are new, corresponding to cancelled claims 23, 28, and 32, respectively.

The remaining claims are unchanged.

INTERVIEW OF AUGUST 11, 2009

Applicants' attorney thanks Examiner Deodhar for taking the time to meet and discuss the present application with him on August 11, 2009, at the U.S. Patent and Trademark Office. Applicants' attorney appreciates the Examiner's constructive input and suggestions as to possible amendments to better capture the features of the present claims.

Applicants respectfully request that the outstanding rejections be withdrawn in view of the amendments and the following remarks. Reconsideration is respectfully requested.

Rejection under 35 U.S.C. §112

Claims 22, 27, and 31 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants have amended claims 22, 27, and 31 to replace the language at issue. Therefore, Applicants respectfully request that the outstanding rejection under 35 U.S.C. § 112 be withdrawn.

Rejection under 35 U.S.C. §103

Claims 22, 24-27, 29-31, 33, and 34 were rejected under 35 U.S.C. §103 as obvious over U.S. Patent No. 5,971,271 to Wynn et al. (Wynn) in view of U.S. Patent No. 6,241,524 to Aoshima et al. (Aoshima), in yet further view of U.S. Patent No. 5,909,486 to Walker (Walker).

In the interview of August 11th, Applicant's attorney discussed two (2) features of the presently amended claims: 1) the video overlay device (VOD) is separate from the game electronics which provide the game output information in a game display field of a game image, and 2) the VOD overlays a player tracking (PT) information on a region of the game image not occupied by the game display field. In this way, the VOD can provide a combined image to the display wherein the player tracking information image appears to be embedded within the game image. The independent claims have been amended to clarify this feature.

Applicants' attorney proposed amending the claims to separately recite these elements, and the Examiner indicated that this would better capture the distinctions between the present claims and the cited references. The independent claims have been amended accordingly.

For instance, claim 22 now recites:

game electronics configured to provide a game image, **the game image including display fields, the display fields including a game display field including** game output information;
a video overlay device **apart from the game electronics, the video overlay device** coupled between the game electronics and the display to receive the game image and configured to:
receive, responsive to the host computer identifying the player based on the player identification information, the player tracking information from the player account **at the host computer via the communications interface,**
generate a player tracking information image including the player tracking information,
determine one or more regions of the game image that are **not occupied by a display field, including the game display field,** wherein the one or more regions are portions of the game image that if overlaid would not **overlay a display field,**
overlay the player tracking information image on the **determined** one or more regions of the game image, thereby creating a combined image, and wherein the player tracking information image appears to be embedded within the game image,
provide the combined image to the display ...

As discussed in the interview, Wynn fails to disclose or suggest the separate hardware feature of a VOD, apart from the game electronics, that is configured to determine the one or more regions of the game image to overlay the player tracking information image. As discussed, incorporating the separate VOD feature is significant, because deployed gaming machines can be retrofitted with the VOD to achieve the desired operations of claim 22, without having to modify the pre-existing game electronics in the machine. Thus, already-deployed gaming machines can be retrofitted with a VOD constructed in accordance with claim 22 to combine player tracking information received over a network with a game image provided by the existing game electronics. The functionality of the existing game electronics need not be modified.

The May 18th Office Action states, "Wynn does not teach displaying information or an image (as in a player tracking image) that when overlaid on the screen does not interfere with a game image and determining regions of the game image that are unimportant to game play." Applicants agree and submit that, for these reasons, Wynn also fails to disclose or suggest the

additional features of “determin[ing] one or more regions of the game image that are not occupied by a display field, including the game display field ...” and “overlay[ing] the player tracking information image on the determined one or more regions of the game image ...,” as recited in claim 22.

Aoshima fails to cure the deficiencies of Wynn with respect to the above quoted features, regardless of whether Aoshima is considered alone or in combination with Wynn. There are several shortcomings of Aoshima in this regard. First, Aoshima fails to disclose a separate VOD (apart from the game electronics) that is configured to provide the operations in the above-quoted passage of claim 22. Thus, Aoshima does not provide the retro-fitting capabilities of embodiments of claim 22. Second, Aoshima is not adapted to “receive ... the player tracking information from the player account at the host computer via the communications interface,” as recited in claim 22. This is because Aoshima is a self-contained video game apparatus, and is not described as having any network connections, much less being in communication with a host computer to receive player tracking information. Consequently, a third difference between claim 22 and Aoshima is that Aoshima is not able to “overlay the player tracking information image on the determined one or more regions of the game image,” as recited in claim 22.

Walker fails to cure the deficiencies of Wynn and Aoshima with respect to the above quoted features, regardless of whether Walker is considered alone or in combination with Wynn and Aoshima. Walker describes a slot card that is also capable of being used as a phone calling card. (Abstract). Walker does not describe anything regarding simultaneously displaying player tracking information and game output information to a player on the same display, much less the above-quoted features recited in claim 22.

Applicants also submit that Aoshima would lead those of ordinary skill in the art astray from modifying Wynn and/or Walker to arrive at the invention defined in claim 22. Aoshima is a video game apparatus that is intended to be offered for sale as a self-contained unit to an arcade or other suitable video game environment. Such apparatus are not provided with network connections, much less meant to be put in communication with a host computer at which player tracking information is stored. In addition, there is no teaching of possibly retro-fitting Aoshima’s video game apparatus with a VOD or similar device to combine player tracking information received over the network with a game image. In Aoshima, there is no network connection to receive such information. Consequently, the proposed combination of Aoshima with Wynn and Walker would not have rendered claim 22 a predictable result in view of that combination.

Thus, as explained above, Wynn, Aoshima, and Walker, considered alone or in combination, fail to describe the features recited in claim 22. Claim 22, as presently amended, is

therefore not obvious in view of Wynn, Aoshima, and Walker. Claims 27 and 31 are amended to include similar features, and are patentable for at least the same or similar reasons.

The remaining dependent claims incorporate the features of the independent claims on which the dependent claims are based. Therefore, the dependent claims are patentable for at least the same reasons as claims 22, 27, and 31.

Conclusion

The claims are believed to be in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call the undersigned attorneys at (510) 663-1100.

Applicants do not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 504480 (Order No. IGT1P311).

Respectfully submitted,
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